

FIRST REGULAR SESSION

# SENATE BILL NO. 261

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BARTLE.

Read 1st time January 28, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1517S.011

## AN ACT

To repeal section 575.150, RSMo, and to enact in lieu thereof one new section relating to crime, with penalty provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 575.150, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 575.150, to read as follows:

575.150. 1. A person commits the crime of resisting or interfering with  
2 arrest, detention, or stop if, knowing that a law enforcement officer is making an  
3 arrest, or attempting to lawfully detain or stop an individual or vehicle, or the  
4 person reasonably should know that a law enforcement officer is making an arrest  
5 or attempting to lawfully detain or lawfully stop an individual or vehicle, for the  
6 purpose of preventing the officer from effecting the arrest, stop or detention, the  
7 person:

8 (1) Resists the arrest, stop or detention of such person by using or  
9 threatening the use of violence or physical force or by fleeing from such officer;  
10 or

11 (2) Interferes with the arrest, stop or detention of another person by using  
12 or threatening the use of violence, physical force or physical interference.

13 2. This section applies to arrests, stops or detentions with or without  
14 warrants and to arrests, stops or detentions for any crime, infraction or ordinance  
15 violation.

16 3. A person is presumed to be fleeing a vehicle stop if that person  
17 continues to operate a motor vehicle after that person has seen or should have  
18 seen clearly visible emergency lights or has heard or should have heard an  
19 audible signal emanating from the law enforcement vehicle pursuing that person.

20 4. It is no defense to a prosecution pursuant to subsection 1 of this section

21 that the law enforcement officer was acting unlawfully in making the arrest or  
22 **if a court later determines that the arrest was made without valid**  
23 **probable cause.** However, nothing in this section shall be construed to bar civil  
24 suits for unlawful arrest.

25           5. Resisting or interfering with an arrest for a felony is a class D  
26 felony. Resisting an arrest, detention or stop by fleeing in such a manner that  
27 the person fleeing creates a substantial risk of serious physical injury or death  
28 to any person is a class D felony; otherwise, resisting or interfering with an  
29 arrest, detention or stop in violation of subdivision (1) or (2) of subsection 1 of  
30 this section is a class A misdemeanor.

✓

Bill

Copy